MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

URT3612 – COMPUTER AND INFORMATION TECHNOLOGY LAW 1

(All Sections / Groups)

22 OCT 2016
Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Answer 4 questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Copyright Act 1987 (Act 332);
   ii. Patents Act 1983 (Act 291);
   iii. Trade Marks Act 1976 (Act 175)
   iv. Digital Signatures Act 1997 (Act 562)

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Peter owns copyright in a computer program known as Infolex. This program is an application development system which allows users to develop customised database applications and databases. The Infolex system incorporated, among other things a computer programming language known as the "Infolex Language" in which the source code for all Infolex programs was written.

Greg developed an application program, known as C+ which is similar to Infolex. He did this so by following a process known as reverse engineering. The C+ program was designed to use the same commands, file structure, and the function keys as Infolex. The purpose of C+ program was to achieve compatibility with the Infolex system.

Peter wishes to know whether the use of such commands, file structure and function key by Greg constitute an infringement of his Infolex program.

Advise Peter.

(Total: 25 Marks)

QUESTION 2

Zee offers home furnishings for sale on its Website. The order form includes a place for information about the item, billing and shipment information, and an additional box for the customer to type in "comments." The order form states that delivery will be made in 21 days. On October 1, Debbie places and order for monogrammed towels that she is planning to give as a wedding gift to her friend and make the payment with the credit card. In the comment area she types, "I only want these towels if they can be delivered by October 14." Debbie submits her order. Do the parties have a contract? What are its terms?

(Total: 25 Marks)

Continued...

QUESTION 3

D received a patent for an invention that analyses electrocardiograph signals in order to determine the characteristics of the heart function. Heart activity is monitored by means of an electrocardiograph device, whereby electrodes attached to the patient's body detect the heart's electrical signals in accordance with the various phases of heart activity.

In a suit for patent infringement, the defendant, P states that the patent amounts to a mathematical formula used to configure the computer and as such the electrocardiograph devise is not an invention.

Advise D on the following issues:

(i) The factors that the courts will use in determining whether such devices are protectable statutory subject matter.

(15 Marks)

(ii) How do the courts determine the presence of the "inventive step" necessary for patentability under the Patents Act 1983?

(10 Marks)

(Total: 25 Marks)

QUESTION 4

Sarah is an interior designer who has established two companies, Virgo-Star and Scorpio Star to promote various aspects of her skills as a freelance worker. She designed the logo for Virgo-Star Company using the name of a star in the constellation. This was represented in graphic form for use as a company logo. This was in 2001. In order to expand her work overseas she is thinking of obtaining trade marks in her name and device.

One day, after searching the Internet she discovers another company advertising on the Internet using the two names of her company with an almost identical logo. She learns that they are going to be registered trademarks. Upon inquiring she learns that this company was founded in 2005. However, her request to get more information on how this company obtained the design, name and the similarity between the two companies is left unanswered. Advise Sarah on the position with regard to the logo, Virgo-Star.

(Total: 25 Marks)

Continued...

QUESTION 5

(i) Explain what is meant by a "hardware contract."

(10 Marks)

(ii) Explain the various types of Distribution Systems applied in a hardware contract.

(15 Marks)

(Total: 25 Marks)

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